

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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In the Matter of the Application of San Diego Gas & Electric Company (U 902 G) and Southern California Gas Company (U 904 G) for Authority to Integrate Their Gas Transmission Rates, Establish Firm Access Rights, and Provide Off-System Gas Transportation Services.

A. 04-12-004
(Filed December 2, 2004)

**SEMPRA LNG'S RESPONSE TO APPLICATION FOR REHEARING
REGARDING DECISION 06-12-031**

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Electric Company (U 902 G) and Southern California
Gas Company (U 904 G) for Authority to Integrate Their
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A. 04-12-004
(Filed December 2, 2004)

**SEMPRA LNG'S RESPONSE TO APPLICATIONS FOR REHEARING
REGARDING DECISION 06-09-039**

I. INTRODUCTION

In accordance with Rule 16.1 of the Commission's Rules of Practice and Procedure, Sempra LNG submits this response to the Application for Rehearing filed by the Southern California Generation Coalition (the "Applicant").

In Decision 06-12-031 ("Decision"),¹ the Commission adopted firm access rights for the gas utility systems of Southern California Gas Company ("SoCalGas") and San Diego Gas & Electric Company ("SDG&E"). Since the initiation of Phase II of this proceeding, the Applicant has been perhaps the most vocal and persistent opponent of firm access rights. The Applicant continues its opposition in the Application for Rehearing, in which it asserts that numerous aspects of the Decision are somehow deficient. During the course of this proceeding, the Commission has already duly considered, and rejected, the arguments set forth in the Application for Rehearing. Among other things, the Application for Rehearing claims that the Decision provides a set-aside for displacement capacity at Otay Mesa upon more generous terms than set-

¹ Opinion Regarding the Phase II Issues, December 15, 2006.

asides for displacement capacity at other receipt points. In making this claim, the Application for Rehearing ignores both the plain language of the Decision and the record in this proceeding. Accordingly, the Commission should reject and deny rehearing of the Applicant's argument.

II. THE DECISION DOES NOT DISCRIMINATE IN FAVOR OF THE OTAY MESA RECEIPT POINT

A. The Decision Actually Eliminated a Preference for Other Receipt Points

Prior to the issuance of the Decision, both a Proposed Decision and an Alternate Proposed Decision were prepared and made available for comment. Both the Proposed Decision and the Alternate Proposed Decision contained the following paragraph relating to the Otay Mesa receipt point:

“If a funding party builds new capacity or expands existing capacity on a displacement capacity basis at Otay Mesa, and the funding party pays for it on an incremental basis, the funding party shall receive a Step 1 set-aside at Otay Mesa for the capacity that the funding party paid for. The capacity shall be subject to the scheduling right limitations described in section 7.b of Exhibit A of Exhibit 85.”

Sempra LNG and The Utility Reform Network (“TURN”) both noted in their comments on the Proposed Decision and the Alternate Proposed Decision that the last sentence of this paragraph was not consistent with a system of firm access rights. The reference to “Exhibit A of Exhibit 85” was to the Joint Proposal. The Joint Proposal did not contemplate a system of generally-applicable firm access rights. Thus, under the Joint

Proposal, nominations at Otay Mesa and the other receipt points in the Southern Zone² were not limited to the available firm takeaway capacity in that zone. On any day, the aggregate nominations at all of the receipt points could exceed the total available firm takeaway capacity of 1.2 Bcf/day. To address that situation, which would occur only in the absence of firm rights, the Joint Proposal therefore provided, in Section 7.b., for a pro rata allocation of all nominations in the Southern Zone when those nominations exceeded the takeaway capacity.³

As noted by both Sempra LNG and TURN, under the system of firm access rights adopted in the Decision, the reference to Section 7.b. of the Joint Proposal is not only unnecessary, but counterproductive. Since the utilities will only sell firm access rights in a transmission zone equal to, at most, the firm takeaway capacity of the zone, it is not necessary to address pro rata reductions except in the context of force majeure, scheduled maintenance or other events that temporarily reduce that capacity.

Furthermore, under the Proposed Decision and the Alternate Proposed Decision, the displacement capacity held by suppliers at other new receipt points was not subject to the same limitation as the Otay Mesa displacement capacity (i.e., was not subject to Section 7.b. of the Joint Proposal). Thus, the displacement capacity at Otay Mesa was unnecessarily and unfairly disadvantaged relative to displacement capacity at other new receipt points.

² The Southern Zone is the SoCalGas/SDG&E transmission zone in which the Otay Mesa receipt point is located.

³ See Exhibit A to Exhibit 85.

Therefore, in the Decision, the language referring to Section 7.b. of the Joint Proposal was appropriately removed.

B. The Removal of the Reference to the Joint Proposal Does Not Create a Preference for Otay Mesa

Through the removal of this language, the holders of the displacement capacity at Otay Mesa will not obtain preferential treatment. In fact, the removal of this language ensures equivalent treatment of parties holding displacement capacity at all receipt points on the SoCalGas/SDG&E system. Although certain language relating specifically to the Otay Mesa receipt point was removed, other, more general, language remains:

“If the funding party builds new capacity or expands existing capacity on a displacement basis, and the funding party pays for it on an incremental cost basis, the funding party shall receive a Step 1 set-aside for the capacity that the funding party paid for, but that set-aside shall be subject to nominations at other receipt points in the same transmission zone.”

Sempra LNG believes that this language applies to displacement capacity created at any receipt point on the SoCalGas/SDG&E system, including Otay Mesa.

On January 29, 2007, SoCalGas and SDG&E filed an advice letter to implement the Decision. In that filing, no distinction or preference is made or granted for Otay Mesa. Like the displacement capacity at other points on the SoCalGas/SDG&E system, the displacement capacity at Otay Mesa will be subject to pro rata reduction in the event the takeaway capacity of the transmission zone is reduced due to such events as force majeure or system maintenance. The holders of other firm capacity (i.e., “expansion” capacity as described in the Decision, or firm capacity at existing receipt points) would

not be subject to such pro rata reductions until the available displacement capacity had been reduced to zero. Thus, consistent with the language of the Decision, displacement capacity at all receipt points (including Otay Mesa) will be “subject to nominations at other receipt points in the same transmission zone.”

III. CONCLUSION

The Decision does not grant any preference with respect to the Otay Mesa receipt point. The record in this proceeding and the language of the Decision demonstrate, in fact, that the opposite is true. The Decision treats displacement capacity at all points on the SoCalGas/SDG&E system equally and should not be modified in that regard on rehearing.

Respectfully submitted,

Dated: January 31, 2007

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CERTIFICATE OF SERVICE

I hereby certify that a copy of **SEMPRA LNG'S RESPONSE TO APPLICATION FOR REHEARING REGARDING DECISION 06-12-031** has been electronically mailed to each party of record of the service list in A.04-12-004. Any party on the service list who has not provided an electronic mail address was served by placing copies in properly addressed and sealed envelopes and by depositing such envelopes in the United States Mail with first-class postage prepaid.

Copies were also sent via Federal Express to Administrative Law Judge John S. Wong and Commissioner Michael R. Peevey.

Executed this 31st day of January, 2007 at San Diego, California.

/s/ Jenifer E. Nicola
Jenifer E. Nicola

CALIFORNIA PUBLIC UTILITIES COMMISSION

Service Lists

Proceeding: A0412004 - SDG&E AND SOCAL GAS

Filer: SAN DIEGO GAS & ELECTRIC COMPANY

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